IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.441 OF 2007

Ramkrishna Jagannath Bagade& Ors. ...Petitioners.
Vs.
Shri Ramchandra Kesu Bhosale & Ors. ...Respondents.

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Mr. Vishwanath Talkute for the Petitioners.
None for the Respondents.

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CORAM :DR.D.Y.CHANDRACHUD, J.
July 4, 2007.

P.C.:

In August 2005, the Petitioners filed an appeal before the State Government in order to challenge an order which was passed nearly six years earlier by the Maharashtra Revenue Tribunal on 20th August 1999. The appeal was returned on 24th January 2006 for want of jurisdiction upon which the present petition under Article 227 of the Constitution of India has been instituted. In any event, the delay between the passing of the order of the Revenue Tribunal in 1999 and August 2005 when an appeal was moved before the State Government has not been explained satisfactorily. That apart, the

concurrent finding of fact which is arrived at, is that Kesu Maruti Bhosale who died on 30th June 1966 has obtained a certificate from the Mamlatdar of Koregaon in Tenancy Case No.3/60 on 30th June 1960 that he was a protected tenant which order was confirmed thereafter. The Petitioners sought a negative declaration under Section 70B of the Bombay Tenancy and Agricultural Lands Act, 1948. The application filed by the Petitioners' predecessor was rejected. In the circumstances, the concurrent finding of the protected tenancy of Kesu Maruti Bhosale does not warrant interference in proceedings under Article 227 of the Constitution of India. The Writ Petition is accordingly dismissed.

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